

**KYIV DISTRICT COURT M.KHARKOV****RESOLVED**

Case No. 953/2692/23

n/p 1-ks/953/3122/23

RESOLVED

IN THE NAME OF UKRAINE

"01" May 2023 Kyiv District Court of Kharkiv in the composition of:

investigative judge PERSON\_1,

with the participation of the secretary PERSON\_2,

prosecutor PERSON\_3,

defender PERSON\_4,

translator PERSON\_5,

investigator PERSON\_6,

suspect PERSON\_7,

having considered in an open court session the petition of the investigator of the Office of the Security Service of Ukraine in the Kharkiv region PERSON\_6 in criminal proceedings No. 22022220000000618 dated 04.12.2022 to apply a preventive measure in the form of detention in relation to:

PERSON\_7 , INFORMATION\_1 , born in the state of California, United States of America, lives at: ADDRESS\_1 , does not work, is not married, has no children, has no previous convictions,

suspected of committing criminal offenses provided for in part 2 of article 436-2, part 3 of article 436-2 of the Criminal Code of Ukraine, -

installed:

- "" INFORMATION\_6 "? INFORMATION\_7 )" by the link "INFO\_8"; - "INFORMATION\_9" by the link "INFORMATION\_10"; - "INFORMATION\_9" via the link "INFORMATION\_11"; - by the link "INFORMATION\_2"; - by the link "INFORMATION\_2"; - "INFO\_12" via the "INFO\_13" link; - "INFO\_14" via the "INFO\_15" link; - "INFO\_16" via the "INFO\_17" link; which contain information regarding the justification, recognition as legitimate, denial of the armed aggression of the Russian Federation against Ukraine, which began in 2014, including by creating an image of the armed aggression of the Russian Federation against Ukraine as an internal civil conflict, justification, recognition as legitimate of the temporary occupation of

part of the territory of Ukraine , glorification of persons who carried out armed aggression of the Russian Federation against Ukraine,

May 1, 2023 PERSON\_7 was notified of suspicion under part 2 of article 436-2, part 3 of article 436-2 of the Criminal Code of Ukraine.

In substantiation of the motion, the investigator and the prosecutor referred to the gravity of the criminal offense in which PERSON\_7 is suspected, the presence of risks provided for in clauses 1, 2, 5, part 1 of Article 177 of the Criminal Procedure Code of Ukraine.

The prosecutor and the investigator supported the petition at the court hearing. The prosecutor asked to set a bond exceeding 80 subsistence minimums for able-bodied persons in the amount of about two million hryvnias, referring to the number of views for their monetization when determining the specified amount.

The suspect and the defense attorney objected to the motion, referring to the suspect's lack of intent to evade the investigation and the court, the suspect's proper procedural behavior, lack of evidence of suspicion and risks. The suspect pleaded not guilty to the incriminated crime. In accordance with Article 206 of the Criminal Procedure Code of Ukraine, the suspect explained that violence was not used against him during the pre-trial investigation.

After listening to the reasoning of the parties to the criminal proceedings, examining the evidence provided, the investigating judge believes that the validity of the suspicion reported by PERSON\_7 is confirmed by: search protocols dated 04/15/2022. and 01.05.2023; inspection protocols of things and documents dated 04/19/2022. and 04/21/2023, for the period 03/01/2023-03/06/2023; by the conclusion of the expert of KhNDISE named after adv. Prof. M. S. Bokarius No. 797/798/56-62/63-69 dated January 13, 2023; by the opinion of the KNDISE expert No. 8719/23-39 dated March 27, 2023.

Also, the investigating judge considers established the existence of the risks provided for in clauses 1, 2, 5, part 1 of Article 177 of the Criminal Procedure Code of Ukraine, namely: hiding from pre-trial investigation authorities and/or the court; destroy, hide or distort any of the things or documents that are essential for establishing the circumstances of a criminal offense; commit another criminal offense.

Taking into account the above, when deciding the issue of choosing a preventive measure, the investigating judge takes into account the presence of risks provided for in Clause 1, Clause 2, Clause 5 of Part 1 of Art. 177 of the Criminal Procedure Code of Ukraine, as well as assessing the totality of circumstances, namely: the weight of the available evidence about PERSON\_7's commission of criminal offenses; the severity of the punishment that threatens him in the event of being found guilty of a serious criminal offense under Part 3 of Art. 436-2 of the Criminal Code of Ukraine, data on the identity of the suspect, who is not a citizen of Ukraine, can freely leave the territory of Ukraine, does not have a permanent place of residence in Ukraine, an official source of income and strong social ties in Ukraine, believes that the application is relatively PERSON\_7 of a milder preventive measure is insufficient to prevent the risks provided for in clauses 1, 2, and 5 of part 1 of Art. 177 of the CPC of Ukraine,

Taking into account the circumstances of the incriminated PERSON\_7 of minor and serious criminal offenses, the property status of the suspect, the absence of a registered place of residence, strong social ties and an official source of income in Ukraine, the presence of risks provided for in clause 1, clause 2, clause 5 of part 1 Article 177 of the Criminal Procedure Code of Ukraine, the investigating judge believes that the bail in the amounts specified in

Clause 3 Part 5 of Article 182 of the Criminal Procedure Code of Ukraine is unable to ensure that the suspect properly fulfills the duties assigned to him, and therefore determines the bail in an amount that exceeds eighty of the subsistence minimum for able-bodied persons - 150 subsistence minimums for able-bodied persons, which is equal to the amount of UAH 402,600. ( $150 \times 2684 = 402,600$ ).

Guided by Art. Art. 177, 178, 182, 183, 193, 194, 196, 197, 211, 309, 372, 395 CPC of Ukraine, investigative judge, -

decreed:

Grant the request.

Apply to PERSON\_7 ( PERSON\_7 ), INFORMATION\_1 , a preventive measure in the form of detention in the State institution "Kharkiv remand detention center" within the pre-trial investigation period - until June 29, 2023 inclusive.

Determine the amount of the deposit of 402,600 (four hundred two thousand six hundred) UAH, which can be deposited into the deposit account of TUDSA of Ukraine in Kharkiv region (recipient: TU DSA of Ukraine in Kharkiv region; recipient code: 26281249; recipient bank: DKSU, Kyiv; recipient MFI : 820172; year/year: UA 208201720355299002000006674) until the end of the term of detention.

Upon payment of a specified amount of bail, PERSON\_7 shall be released from custody and assigned the following duties for a period of two months: to appear before the investigator, the prosecutor, the court at the first summons; not to leave the city of Kharkiv without the permission of the investigator, prosecutor or court; notify the investigator, prosecutor or court about a change of residence at the address: ADDRESS\_1; carry an electronic device with a contra.

Explain to the suspect that in case of non-fulfillment of obligations by the mortgagor, as well as if the suspect, having been duly notified, fails to appear when summoned to the investigator, prosecutor, court without valid reasons or does not report the reasons for his failure to appear, or if violates other obligations assigned to him during the application of a preventive measure, the bail is transferred to the state income and credited to the special fund of the State Budget of Ukraine and used in the manner established by law for the use of court fee funds. In the event of a bail application to the state revenue, the investigating judge, the court shall decide on the application of a preventive measure in the form of a larger bail or other preventive measure to the suspect, the accused, taking into account the provisions of part seven of Article 194 of the Criminal Procedure Code of Ukraine.

Bail that has not been transferred to the state income shall be returned to the suspect, the accused, the pledger after the termination of this preventive measure. At the same time, the bail provided by the suspect or the accused may be fully or partially requested by the court to enforce the sentence in terms of property seizures. The pledge made by the mortgagor can be used by the court to enforce the judgment in terms of property seizures only with his consent.

The decision can be appealed directly to the Kharkiv Court of Appeals within five days from the day of its announcement, and the suspect within the same period from the moment he was handed a copy of the court decision.

The resolution is subject to immediate execution after its announcement.

Oblige the body of pre-trial investigation to immediately inform about the detention of a person in custody of his close relatives, family members or other persons at the choice of this person in accordance with the procedure provided for in Art. 111,112 of the Code of Criminal Procedure of Ukraine.

Investigating judge: PERSON\_1

A copy of the resolution was received by "\_\_\_\_"

2023

PERSON\_7

Date of decision30.04.2023

Published05/05/2023

Court register for the case — 953/2692/23

Decision dated  
01.06.2023  
  
Criminal  
  
KYIV DISTRICT COURT  
M.KHARKOV  
  
Hertsyk R. V.

Decision dated  
01.06.2023  
  
Criminal  
  
KYIV DISTRICT COURT  
M.KHARKOV  
  
Hertsyk R. V.

Resolution dated  
04/30/2023  
  
Criminal  
  
KYIV DISTRICT COURT  
M.KHARKOV  
  
Yefimenko N. V.